

Miscellaneous Ordinance Amendments

PB Meeting – 2019-02-04

Discussion and action

1. BLUO Section 5. I. Non-conforming structures

Current wording: *If any portion of a structure does not meet the dimensional requirements of the BLUO, that portion of the structure shall not be expanded by more than 30% in floor area or volume.*

Problem(s): Provides no guidance as to structure relocation, reconstruction or replacement.

Possible amendment:

Section 5.I. Non-conforming structures

1. *Expansion. If any portion of a structure does not meet the dimensional requirements of the BLUO, that portion of the structure shall not be expanded by more than 30% in floor area or volume and shall not be permitted to become more non-conforming.*

2. *Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the CEO after consultation with the Planning Board. In no case shall a structure be relocated on a site which causes the structure to be more non-conforming.*

3. *Reconstruction or Replacement. A non-conforming structure may be reconstructed or replaced on the parcel on which the structure is located provided that:*

*a. a permit is obtained within one year after the date of destruction or removal; and*  
*b. the site of reconstruction or replacement conforms to all setback requirements to the greatest practical extent as determined by the CEO after consultation with the Planning Board. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.*

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2. BLUO Section 12 Subdivisions G Setbacks, Side and Rear Yard Widths, and Buffers

Current wording: *All subdivisions except those created by division of land into lots for single-family dwellings, shall meet the following requirements. A subdivision with lots for single family dwellings will conform to the requirements in Section 4(I).*

Problem: Section 4(I) requires front yard setback of 75 feet from the centerline of a Public Road. Roads in subdivisions are not public roads, so defined,, leaving open the possibility that a developer might propose citing houses closer than the 75 setback.

Possible amendment:

BLUO Section 12 Subdivisions G Setbacks, Side and Rear Yard Widths, and Buffers

*A subdivision created by division of land into lots for single-family dwellings shall conform to the requirements in Section 4(I). Front yard setbacks shall be 75 feet from the centerline of roads within the subdivision whether or not the roads are considered as public roads.*

*All subdivisions other than those created for single-family dwellings shall meet the following requirements.*

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3. Shoreland Zoning Ordinance Section 14 Table of Land Uses

Line 5 Clearing of vegetation for approved construction and other allows uses

Problem: Currently, this use is allowed without a permit (“yes”) in the Limited Residential, Limited Commercial, and Commercial Fisheries & Maritime Activities districts. According to the CEO, those undertaking this use do so often without understanding the many regulations of the SZO governing this activity and subsequently are cited for violations. Requiring a consultation, but not necessarily a permit, with the CEO prior to undertaking clearing would serve a vital educational service and reduce violations.

Possible amendment:

Add superscript <sup>2</sup> to the word “yes” in Line 5, and change footnote 2 to read:

<sup>2</sup> Requires consultation with CEO prior to undertaking clearing

(The current footnote<sup>2</sup> is a holdover from a previous version of the SZO no longer in effect)

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4. Shoreland Zoning Ordinance Section 14 Table of Land Uses

Footnote <sup>7</sup> No referent is located in the Table. This footnote is a holdover from a previous version of the SZO no longer in effect.

Possible amendment. Eliminate footnote <sup>7</sup>